UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,607	04/05/2001	Sanjay Pujare	OMNI0005	4038

22918	7590	10/23/2006	

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EXAMINER
SHIN, KYUNG H

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action - ***Before the Filing of an Appeal Brief***	09/826,607	PUJARE ET AL.
	Examiner	Art Unit	
	Kyung H. Shin	2143	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>22 September 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☒ The period for reply expires <u>3 </u>months from the mailing date of the final rejection.

    b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on <u>22 September 2006</u>. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ They raise the issue of new matter (see NOTE below);

    (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: <u>1-52</u>.

    Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

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Continuation of 11. does NOT place the application in condition for allowance because:

1.1   Applicant's Invention discloses the processing of a conventionally coded which is defined as an application without the requirement for recompiling or recoding. (see Specification Paragraph [0072]) The Eylon (6,574,618) prior art discloses the processing of a conventionally coded application without the requirement for recompilation or recoding of the application. Eylon discloses converting the application into a mode suitable for delivery via a streaming delivery mechanism without the requirement for recompilation or recoding of the application. (see Eylon col. 3, lines 45-50: server; col. 3, lines 52-56; col. 4, lines 51-56: streamed application ; col. 8, lines 49-53: monitor and management, streamed application installation on local system)
By definition, conventionally is defined as " ... Conforming to established practice or accepted standards; traditional: ... ", or a standard method for the coding of a application. (http://www.answers.com/conventionally&r=67)

1.2   The Eylon prior art discloses that the " ... application does not need to be installed on the Client PC ... ".   The statement merely states that the application does not need to be installed.   The Eylon prior art does not discourage installation of the application, therefore it does not teach away from application installation on a client system.

1.3   The Eylon prior art discloses an application transferred from a server to a client, and the application initiates execution before the entire application has been transferred. (see Eylon col. 3, lines 52-56: initiate execution after fraction of application loaded(i.e. before entire application downloaded))

1.4   Applicant has argued that the referenced prior art does not disclose " ... redirecting registry information thereby creating a registry spoof capability ... ".   The referenced prior art does disclose this limitation.
      Eylon discloses the capability to process an application transfer utilizing a streamed delivery mechanism. (see Eylon col. 3, lines 52-56; col. 4, lines 51-56) Eylon and Schmeidler (6,374,402) combination discloses the capability to redirect (i.e. spoof, deceive) registry information during the installation processing.   By definition, "to spoof" simulates a communications protocol (i.e. update registry information concerning application installation) by a program that is interjected into a normal sequence of processes (i.e. to client, spoof appears as a normal installation of application and is transparent to client) for the purpose of adding some useful function. (see Schmeidler col. 4, lines 43-46; col. 4, lines 54-59; col. 11, lines 44-46: manipulation of registry information (i.e. redirect, spoof) during installation process)

1.5   Applicant has argued that the referenced prior art does not disclose " ... parameterizing the system registry modifications ... ".
The referenced prior art does disclose this limitation.
      Eylon discloses the streamed delivery of an application (i.e. conventionally coded application) between network-connected systems. (see Eylon col. 5, lines 45-50)   Eylon and Schmeidler combination discloses the concept of registry information containing configuration data for an application. (see Schmeidler col. 4, lines 43-46; col. 4, lines 54-59; col. 11, lines 44-46) Eylon, Schmeidler, and Kumar (6,343,287) combination discloses the capability to parameterized system registry configuration information including modifications and the streaming of parameterized configuration data between system. (see Kumar col. 1, lines 57-61; col. 1, lines 17-20: application configuration information; col. 16, lines 22-28; col. 16, lines 31-34; col. 21, lines 36-38: parameterized configuration data)

1.6   Applicant has argued that the referenced prior art does not disclose " ... providing a user interface that allows an operator to examine all changes made to said local computer system ... ".
The referenced prior art does disclose this limitation.
      Eylon discloses a user interface for monitor and management application installation. (see Eylon col. 8, lines 49-53: application manager, monitor and management of installation process)   Eylon and Cheng combination discloses a user interface that allows an operator to examine all changes made to said local computer system during said installation process and to edit said modification information. (see Cheng col. 9, lines 32-42: where GUI to examine installation data)

1.7   The examiner has considered the applicant's remarks concerning the streamed delivery of an application and execution initiation before application transfer.   The remarks have been considered and analyzed, but the remarks were not persuasive.
      After an additional analysis of the applicant's invention, remarks, and a search of the available prior art, it was determined that the current set of prior art consisting of Eylon (6,574,618), Kumar (6,343,287), and Schmeidler (6,374,402) discloses the applicant's invention including disclosures in Remarks dated September 22, 2006.

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09/826,607   KHS   10/8/2006